

Message Text

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C O N F I D E N T I A L KINSHASA 7039

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TAGS: CG, PGOV, PINT

SUBJECT: ZAIRE'S NEW ELECTORIAL LAW

1. SUMMARY: ZAIRE'S NEW ELECTORAL LAW, PUBLISHED IN THE LOCAL PRESS ON JULY 19, DEFINES VOTER AND CANDIDATE QUALIFICATIONS, CAMPAIGN AND VOTING PROCEDURES AND TERMS OF OFFICE. ALTHOUGH THE LAW IS RELATIVELY STRAIGHTFORWARD, IT CONTAINS SEVERAL POSSIBLE AVENUES OF ABUSE. END SUMMARY

2. QUALIFICATIONS FOR VOTING. ALL ZAIRIANS EIGHTEEN YEARS OF AGE AND OLDER MAY VOTE WITH THE EXCEPTION OF THOSE MENTALLY ILL, SUBJECTED TO MILITARY DISCIPLINE WITHIN THE LAST TEN YEARS, GUILTY OF SERIOUS VIOLATIONS OF PARTY DISCIPLINE, OR RESIDING ABROAD.

3. QUALIFICATIONS FOR CANDIDACY. CANDIDATES MUST BE AT LEAST THIRTY FIVE YEARS OF AGE TO STAND FOR ELECTION AS POLITICAL COMMISSIONER, TWENTY FIVE YEARS OF AGE FOR LEGISLATIVE OR ZONE COUNCILS. CANDIDATES MUST ALSO RESIDE IN THEIR RESPECTIVE CAMPAIGN DISTRICTS. ALL THE EXCLUSIONS FROM VOTING APPLY TO CANDIDACY EXCEPT FOR RESIDENCE ABROAD; HOWEVER, THE PROCEDURE BY WHICH THOSE CURRENTLY RESIDING ABROAD MAY ESTABLISH LOCAL RESIDENCE FOR PURPOSES OF CANDIDACY IS NOT SPECIFIED. PUBLIC OFFICIALS MUST RESIGN FROM THEIR POSTS IN ORDER TO CAMPAIGN FOR OFFICE. IN
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ADDITION TO PAYMENT OF A NON-REFUNDABLE DEPOSIT, WHICH VARIES FROM 200 ZAIRES FOR ASPIRANTS TO THE POLITICAL BUREAU TO 50 ZAIRES FOR ZONE COUNCIL CANDIDATES, ALL CANDIDATES MUST ALSO FILE WITH THE APPROPRIATE OFFICIAL A DETAILED CURRICULUM VITAE, A CERTIFICATE OF GOOD CONDUCT FROM THEIR ZONE COMMISSIONER, A CERTIFICATE FROM THE LOCAL COURT ATTESTING TO LACK OF A RECENT CRIMINAL RECORD, AND SIX PASSPORT PHOTOS. FAILURE TO PROVIDE ANY OF THE

ABOVE WILL RESULT IN DISQUALIFICATION OF THE CANDIDATE.

4. CAMPAIGN ISSUES. CANDIDATES MAY NOT RAISE ISSUES LIKELY TO INCITE CONTEMPT, HATRED, RACISM OR TRIBALISM, OR WHICH ARE IN CONFLICT WITH THE IDEALS AND TEACHINGS OF THE MOUVEMENT POPULAIRE DE LA REVOLUTION, ZAIRE'S SINGLE PARTY, AS CONTAINED IN THE N'SELE MANIFESTO.

5. MEDIA ACCESS. CONDITIONS FOR USE OF THE MEDIA ARE NOT SPECIFIED IN THE ELECTORAL LAW, BUT WILL BE SET BY THE STATE COMMISSIONERS FOR TERRITORIAL ADMINISTRATION AND NATIONAL ORIENTATION.

6. MECHANICS OF VOTING. VOTE WILL BE BY SECRET BALLOT. THE REGIONAL COMMISSIONER WILL DESIGNATE NUMBERS AND LOCATIONS OF POLLING PLACES AND ASSURE THAT VOTING BOOTHS ARE PROVIDED.

7. CONDITIONS OF TENURE. TERMS OF OFFICE FOR ALL POSITIONS WILL BE FIVE YEARS, UNLESS THE INCUMBENT RESIGNS OR IS SUBSEQUENTLY DISQUALIFIED.

8. COMMENT: ALTHOUGH IN MANY RESPECTS A MODEL OF DEMOCRATIC ELECTORAL PROCEDURE, THE ELECTORAL LAW LENDS ITSELF TO SEVERAL POSSIBLE AVENUES OF ABUSE. THE MOST PROMINENT WOULD APPEAR TO BE THE DEFINITION OF "SERIOUS VIOLATIONS OF PARTY DISCIPLINE." WHILE UNLIKELY TO AFFECT VOTER ROLLS SIGNIFICANTLY, IT COULD
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PREVENT PROMINENT CRITICS OF THE REGIME FROM RUNNING FOR OFFICE. REQUIRING A CLEAN BILL OF HEALTH FROM THE ZONE COMMISSIONER MAY ALSO BAR SOME STRONG CANDIDATES. THE REGIONAL COMMISSIONER COULD USE HIS POWER TO DESIGNATE NUMBERS AND PLACING OF POLLING STATIONS TO ENCOURAGE VOTING IN SOME DISTRICTS WHILE DISCOURAGING IT ELSEWHERE. TO THE EXTENT THAT ELECTORAL COMPETITION IS IN FACT ENCOURAGED, ACCESS TO THE RADIO COULD PROVE DECISIVE. WHETHER SUCH ACCESS IS FREELY ALLOWED WILL BE ANOTHER LITMUS TEST OF THE GOVERNMENT'S SINCERITY. FINALLY, RELIANCE ON THE IMPRECISE N'SELE MANIFESTO TO DEFINE THE BOUNDARIES OF DEBATE MAY PRODUCE SIGNIFICANT RESTRICTIONS ON SUBSTANTIVE CRITICISM. CONSEQUENTLY, THE ELECTORAL LAW ITSELF HAS NOT DISPELLED THE SKEPTICISM WHICH GREETED MOBUTU'S ANNOUNCEMENT OF ELECTIONS. THE BALL REMAINS IN HIS COURT.
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